

HAYES PAWLENKO LLP

MATTHEW B. HAYES (SBN 220639)

mhayes@helpcounsel.com

KYE D. PAWLENKO (SBN 221475)

kpawlenko@helpcounsel.com

1414 Fair Oaks Avenue, Unit 2B

South Pasadena, CA 91030

(626) 808-4357; FAX (626) 921-4932

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SHARAE MASSEY, an individual on
behalf of herself and others similarly
situated,

Plaintiff,

v.

STAR NURSING, INC.; and DOES 1 to
10 inclusive,

Defendants.

Case No.: 5:21-cv-01482-EJD

**NOTICE OF MOTION AND MOTION
FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

Date: October 20, 2022

Time: 9:00 a.m.

Courtroom: 4 (San Jose Courthouse)

**NOTICE OF MOTION AND MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT on October 20, 2022 at 9:00 a.m. in Courtroom 4 of the San Jose Courthouse for the United States District Court for the Northern District of California, located at 280 South 1st Street, San Jose, CA 95113, the Honorable Edward J. Davila presiding, Plaintiff Sharae Massey (“Plaintiff”) will and hereby does move for entry of an Order:

1. Preliminarily approving the terms of the Settlement Agreement and Release (“Settlement”) – which is submitted concurrently herewith as Exhibit 2 to the Compendium of Evidence – as fair, reasonable, and adequate;

2. Conditionally certifying the following proposed Rule 23 class and Fair Labor Standards Act (“FLSA”) collective (hereafter “Settlement Class”) for purposes of the Settlement only:

All non-exempt hourly employees employed by Star Nursing, Inc. in California who, at any time from March 2, 2017 through the date of this Order, worked one or more workweeks in which they were paid overtime and received a stipend.

3. Appointing Plaintiff as representative of the Settlement Class;

4. Appointing Hayes Pawlenko LLP as class counsel for the Settlement Class;

5. Approving the manner and content of the notice of settlement prescribed by the Settlement as constituting the best notice practicable under the circumstances and in compliance with the requirements of due process;

6. Appointing CPT Group, Inc. as the settlement administrator, preliminarily approving settlement administration costs of \$10,500, and directing the settlement administrator to disseminate notice in accordance with the Settlement; and

///

NOTICE OF MOTION AND MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

1 7. Scheduling a final fairness hearing on the question of whether the
2 proposed Settlement should be finally approved.

3 The motion is unopposed by Defendant and will be based on this Notice, the
4 Memorandum of Points & Authorities filed concurrently herewith, the Compendium
5 of Evidence filed concurrently herewith, the records on file in this action, and any
6 additional arguments or evidence presented to the Court in advance of the hearing.
7

8 DATED: April 19, 2022

HAYES PAWLENKO LLP

9
10 By: /s/Matthew B. Hayes
11 Matthew B. Hayes
12 Attorneys for Plaintiff
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**NOTICE OF MOTION AND MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**